

JUDGE BLAIR'S CHARGE WAS AGAINST BARKER.

"Alleged Outrage, Whether True or Not, Was No Justification for the Defendant's Assault on Rev. John Keller," Said the Court to the Jury.

Judge Blair began his charge to the jury in the trial of Thomas G. Barker for the shooting of Rev. John Keller immediately after the recess. It was strongly against the accused.

Barker and his wife listened with pale, drawn faces and several times the work in seemed on the verge of tears. To those who listened to the Judge's charge conviction seemed certain.

During the course of the charge he quoted at length from Barker's own testimony on the stand, and from Mrs. Barker's evidence. The Judge referred at length to the competency of an accused person testifying in his own behalf. He said that while Barker was permitted to testify, he could not be considered an impartial witness, but as being interested to a higher degree than other witnesses in the outcome of the trial.

The Judge began his charge at 1:40 o'clock. He spoke in a low, conversational tone and very quietly.

"Gentlemen of the Jury: The issue which we have been examining for the last four days is now about to be submitted to you. There is nothing in the character of this prosecution which is unusual in this court."

"This case has, to be sure, acquired great publicity and achieved in a large measure meretricious notoriety. But, after all, the charge upon which this defendant is being tried is that of an atrocious assault or assault with intent to kill—by no means an unusual form of crime."

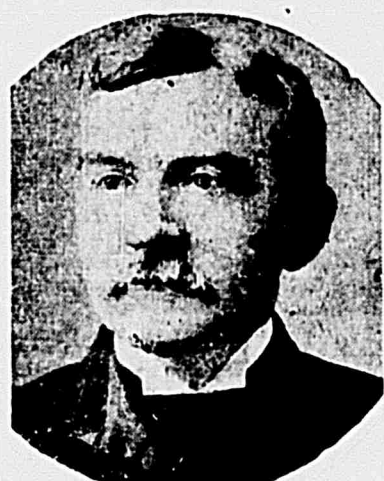
"Your simple duty is to discover whether, from the evidence produced before you, this defendant is guilty or not guilty. What his punishment shall be, if he is convicted, is a matter with which you have no concern."

"The law imposes that burden on the Court and relieves you of all responsibility."

The Judge then reviewed the evidence at great length and laid down the law. He went on to say:

Blow at Insanity Plea.

"The suggestion that a person can be entirely sane immediately before and immediately after the doing of some particular act and yet be insane at the instant that



JUDGE BLAIR.

the act was committed may well serve as a physiological problem to interest the ingenious and daring speculation of the experts, but they have no recognition in law and the courts of this State have repudiated these species of insanity as constituting a defense to a criminal prosecution.

"Here passion or frenzy resulting from the anger or jealousy or viciousness of a sane man is no defense to criminal prosecution for acts resulting from such anger or such passion."

"If the jury is satisfied that the defendant establishes insanity to such a degree that the defendant at the moment of the shooting was in such a mental condition that he was incapable of determining what he was doing and could not distinguish between right and wrong, then he has made out such insanity as will entitle him to an acquittal."

"If he has not satisfied you of his insanity to that extent, then the defense of insanity is not made out, and you will proceed with your investigation just as if he were a sane man."

"With this statement of the law constituting legal insanity you will recall the testimony of the witnesses and see how it places the accused with reference to the law—Mrs. Barker's testimony as to his condition and actions after she had told him her story and for some time previous to the shooting, and the testimony of

Mr. Smith and those who knew and worked with him and had opportunities of observing his manner, and his actions generally."

"The testimony of the defendant through light upon this subject. You will recall that reference is made in the testimony and in the argument of counsel to some outrage alleged to have been committed by Mr. Keller upon Mrs. Barker and which she told to her husband, the defendant."

"There is no legal proof of what the outrage was. Mrs. Barker's story is not before you. It was excluded because if it had been in evidence it would have constituted no defense to this action."

"IT WAS EXCLUDED BECAUSE IT WAS IRRELEVANT AND INCOMPETENT EVIDENCE, AS AFFORDING NO JUSTIFICATION FOR THIS CRIME."

"As a matter of justification to this prosecution you will give it no thought. The fact that Mrs. Barker told her husband that an outrage had been committed upon her was permitted to be given in evidence, because it was thought that the knowledge of that fact might have had some effect upon the mind of the defendant; that that story by his wife might have affected his mind to such a degree as to render him irresponsible for his act of shooting."

"The consideration, therefore, which you will give to the fact of the story being told to Mr. Barker by his wife will be with reference only to the effect that such story had on the defendant's mind, and whether it reduced his mind to such a condition that at the time of the shooting he did not know the criminal character of the act, and whether it was right or wrong."

"THE STORY OF THE ALLEGED OUTRAGE, OR THE OUTRAGE ITSELF, IF TRUE, WAS NO JUSTIFICATION FOR THE DEFENDANT'S ASSAULT."

Closing of the Charge.

"You must say whether the story told to him affected his mind to a degree that excuses him from criminal responsibility."

"If you believe the defendant to have been sane at the time of doing this act you must be convinced beyond a reasonable doubt that, that he did the shooting, and second, that he did it with intent to kill."

"If these facts be established beyond a reasonable doubt you should find the defendant guilty as charged in the indictment."

"If any there should be no compromise verdict in this case."

"Let us have a decision whether law and order shall reign in New Jersey or whether the law of the individual and anarchy shall be supreme. We want no such condition of things in this community as we see in some other."

"I need not picture to you the consequences that would follow such a verdict as counsel asks you to render."

"I say that the acquittal of Barker would be a miscarriage of justice, against logic, reason and common sense. It would be an invitation to shoot down and commit murder at the dictates of their wills."

Court then took a recess.

Diplomas and LAMBERT Watches

Pride in a Diploma, or even in a Creditable Promotion, is immensely increased by a SEASONABLE GIFT.

Here is one:

A beautiful sterling silver Watch, with Waltham, Elgin or Lambert Works \$7.75
 Handsome Sterling Chain 1.75
 Sterling Pencil Charm 1.00

Total \$10.50

That is a little sum in the arithmetic of a young man's happiness. Watches with "American" movements are frequently advertised for \$6. The works cost \$2. The particular make of works is never mentioned. You know the makes mentioned above. The case is made by the Crescent Watch Case Company, the leaders in the manufacture of sterling silver cases. We guarantee the movement as well as the case.

Girl's Solid Gold 14 Karat Watch, \$20.
 Cases the very best made and choice of Waltham, Elgin or Lambert works. We have cheaper watches, but this is the best value ever offered at the price.

Class Pins and Class Rings.
 Lambert's Class Rings and Class Pins are famous wherever there are schools. Solid Gold Pins, enamelled, \$2 each. Sterling Silver Pins, enamelled, 75c each. Class Rings, \$1.75 to \$25.00, made in our own factory.

WEDDING RINGS.

The weather is still ideal for weddings. Lambert's Seamless Wedding Rings, guaranteed solid gold, are in demand.
 14-kt Solid Gold, \$3 to \$12. 18-kt Solid Gold, \$4 to \$16.
 22-kt Solid Gold, \$6 to \$24.
 No Charge for Engraving.

OLD GOLD REMODELLED, BOUGHT OR EXCHANGED.
Lambert Brothers
 JEWELLERS
 OPEN EVENINGS TILL 7.
 SATURDAYS TILL 10 P. M.

BROOKLYNS PLAY HEINIES LAST GAME

Champions Expect Another Easy Win from Cincinnati, Making It Three Straight.

The Battling Order.
 Brooklyn. Keeler, 1b; Magoon, 2b; Farrell, 3b; Sheppard, 4b; McGee, 5b; McGee, 6b; McGee, 7b; McGee, 8b; McGee, 9b.
 Cincinnati. Dobbie, 1b; Harkey, 2b; Beckard, 3b; Beckard, 4b; Beckard, 5b; Beckard, 6b; Beckard, 7b; Beckard, 8b; Beckard, 9b.

WASHINGTON PARK, BROOKLYN. June 21.—The third and final game of the present series between the champion Brooklyn and the Cincinnati was played at these grounds this afternoon under perfect weather conditions. As the champions had already captured two straight games from the Heinies they naturally felt confident of winning today's game and tackled the visitors with the determination of swiftness their figures in the percentage table.

When the Cincinnati arrived they were met by Manager McPhee, who pleaded with them to try hard for the last game and break the long losing streak of the last two weeks. The Heinies have lost nine straight games.

Hanlon was uncertain about his pitchers today. At the last minute he came to the conclusion that Kitson was the best man and he was put in to face the visitors.

Manager McPhee, after carefully scrutinizing his twirlers, called on Parker to unload his bunch of speedy shots and curves at the "champs." The beautiful weather brought out another crowd of footers to see the game. Acting Capt. Tom Day sent the Heinies to the bat first.

Manager Hanlon acknowledged before the game started that he had sold Hughes Jennings to the Philadelphia National League team. He further stated that Lander, the Phillies' third baseman, would be secured to play third base for the champions, who was given in exchange for Jennings.

First Inning.
 Dobbie flied to Daly. Harkey singled.

Second Inning.
 Van Hise singled to Wagner's mound. Selbach singled to left. Bernard drew a free pass. Hickman's fly to Clarke brought in one run. Gansel struck a single, scoring Selbach. Bernard tried to score on the hit and was tagged at the plate. Strang walked. Bowserman flied to Wagner. Two runs.

Third Inning.
 Nelson threw Leach out. Strang and Gansel retired. Brantley walked. Van made a circus catch of Ritz's fly. No runs.

Fourth Inning.
 Taylor forced Gansel's roller to first. Taylor flied to first. Brantley walked. Brantley batted a single to right. Leach's fly fell safe back of second base. Clarke scored. Brantley flied to Hickman. Ely fanned. No run.

Fifth Inning.
 Taylor threw Zimmerman's roller to first. Taylor flied to first. Brantley walked. Brantley batted a single to right. Leach's fly fell safe back of second base. Clarke scored. Brantley flied to Hickman. Ely fanned. No run.

Sixth Inning.
 Taylor flied to first. Brantley walked. Brantley batted a single to right. Leach's fly fell safe back of second base. Clarke scored. Brantley flied to Hickman. Ely fanned. No run.

Seventh Inning.
 Ely flied to first. Brantley walked. Brantley batted a single to right. Leach's fly fell safe back of second base. Clarke scored. Brantley flied to Hickman. Ely fanned. No run.

Eighth Inning.
 Wagner fanned the ball hard to Hickman and died at first. Ritz's fly to center was good for one base. Ely's hit was knocked down by Taylor forcing Ritz's fly to second. Zimmerman hit to Hickman, forcing Ely. No runs.

Ninth Inning.
 Willis fanned. Van squeezed Clarke's

Vogel Brothers 42nd Str. Cor. 8th Ave.

Last week's selling was one of the greatest ever known to this store. Friday and Saturday were such busy days as seldom fall to the lot of clothing stores. The well known standard of our clothing, together with the remarkably low prices, never fails to crowd our store with eager buyers. This announcement should set you wise as to where to buy your summer suit. Read it carefully, then come here and be convinced why so many buy their clothing here.



Special Sale of Men's \$18 Light Colored Suits at \$12.
 Smart, stylish suits for hot weather wear, made of light colored chevrons and cassimères, in the new stripe, check and overplaid effects, lined only on the sides. Exclusive patterns such as are sold at \$18 to \$20 a suit, cut in the broad-shouldered military or regular single-breasted sack suit. All sizes \$12 to \$14. Our special sale price... \$12

Men's Blue or Black Serge Suits at \$14.
 These suits are made of an elegantly finished serge, tested thoroughly as to color and wearing qualities as all our serges are. The linings used in these suits are of a fine light weight tow-wool; luxuriously made by the most skilled tailors, of a very narrow wale blue serge—with just the sides lined with a rich quality of pure light weight silk. The regular price of these suits is \$25; our special price... \$14

Men's Blue Serge Suits at \$19.
 (Silk Lined.) These suits are made with all those little touches that distinguish the high-class tailored garment from the usual ready-to-wear; luxuriously made by the most skilled tailors, of a very narrow wale blue serge—with just the sides lined with a rich quality of pure light weight silk. The regular price of these suits is \$25; our special price... \$19

Men's Blue Serge Suits at \$10 That Are Worth \$14.
 From the beginning of the serge season till to-day we have talked of these blue serge suits and sold thousands of them. Every one of these suits sold means a clear saving of \$4 to the man that buys one. They're absolutely fast color and of just the proper weight—light but strong. Carefully tailored, they'll hold their shape. These suits are the usual \$14 kind. Our special price... \$10

Everything else for man or boy for Summer wear. Straw Hats, Negligee Shirts, Summer Underwear, Fancy Hosiery, Low Shoes, Belts, Etc.

TUNNEL MEN AT LAW FOR WAY

Port Warden March's Claim for Damages Is Disputed.

After hearing arguments by Edward M. Sheppard, counsel for the Rapid Transit Commission, and William P. Burr, representing Port Warden James E. March, Justice Blachoff, in the Supreme Court today, reserved decision on the motion by Mr. Burr for an injunction, pending trial, restraining the contractors from excavating in Elm street in front of Mr. March's premises.

Mr. March claims that the contractors are about to shore up his buildings and encroach upon his cellars and subcellars, deprive him of access to his premises, and of air and light, contrary to the provisions of the law, which provide for the carrying on of condemnation proceedings where private property is to be acquired for city purposes.

Mr. Sheppard said Mr. Burr's application was a serious one. "The complaint shows," he continued, "that we are about to excavate nearly the full width of Elm street in front of his premises, and to a considerable depth. This we must do in the construction of the tunnel."

"We had supposed this lawful excavation would endanger the plaintiff's walls, and we have therefore at our own expense arranged to shore up his walls, and thereby protect his property. I hardly think Mr. Burr will desire to take an injunction to prevent this."

Mr. Sheppard added that if such an injunction were obtained, the contractor would go on with his excavation without shoring up the plaintiff's walls, and if they fell down he would have to bear the responsibility.

He denied the right of Mr. March to ask damages under condemnation proceedings, saying nothing was to be taken from him.

HANGED HERSELF ON PORCH.
 Inmate of a Sanatorium Gives Attendants a Long Search.

Mrs. Sarah Rosenbaum, an inmate of Dr. Harris' sanatorium at Whitehouse, L. I., hanged herself to the porch of the institution last night. Her body was found this morning.

The woman was thirty-five years old and had been under confinement for several months. When she was notified last night the police were called, and asylum attendants searched the neighborhood for her all night.

WENT TO NYACK TO DIE.
 Baum Left Wife and Child Here and Shot Himself.

NYACK, June 21.—Paul Baum, of No. 12 East Tenth-second street, New York, committed suicide in Spring Valley last night by shooting.

No reason is known for the act. Baum leaves a widow and child in New York.

BARKER TRIAL IN DETAIL.

(Continued from Second Page.)

crime Barker had an insane delusion. If that is so, what becomes of that defense?

"It would not be common sense to let criminals set up the defense of insanity on their own motion if they have committed acts of violence. It must be a disease in brain well attested by a defense of insanity a proper one."

"If every criminal could on his own say so set up such a defense, how could we ever convict any man? I have only to refer you to the evidence any way, to prove to you conclusively that Barker was sane as you or me."

Convenient Defense.

"Suppose that shot had killed Keller? Barker would have been here to-day on a charge of murder instead of on a charge of assault with intent to kill, and with the same defense. How convenient a defense, insanity, and no statement save his own to substantiate it. It is reasonable to suppose that with this great trouble racking his heart he would have arranged to go to the museum in New York on Sunday, the day of the shooting?"

Wild Man May Be Blondin.

Pelham Woods Scoured for One Who Scared Children.

A wild man is believed to be at large in Pelham. Yesterday while the children were going from North Pelham school, a wild man suddenly confronted them. He was clad only in a pair of trousers and his hair and beard were long and unkempt.

The children screamed and fled down the street. The presence of the man was reported to Principal L. C. Hill, who notified Constable Marks. Marks and a posse searched for the man last night, but were unable to find him.

The wild man has been seen by Mrs. Patrick Marvel, Mr. Henrietta and several other citizens, besides numerous school children.

The description of him varies. Mr. Henrietta, who saw him Sunday, says that he is a man thirty-five or forty years old and that he wore a blue shirt. The children who saw him yesterday state that he wore only trousers.

The wild man fled into the woods as soon as discovered. His appearance was uncouth and he acted like one who was denuded. There was some belief in Pelham that the man was Blondin, the Massachusetts murderer. Detectives from Boston traced Blondin through that neighborhood on Tuesday.

NEVA GOULD IN HER SUIT.

Charles Harris Defendant in Wife's Plea for Divorce.

Charles T. Harris, of No. 604 Fifth street, Brooklyn, President of the Caledonia Terra-Cotta Company, was the defendant in a divorce suit brought today by his wife in the Supreme Court.

NEW YORK VS. PITTSBURG.

(Continued from First Page.)

underpinning, was on parade in Capt. Davis's section of the lot.

Luther Davis was selected by Manager Taylor to do the twirling for the locals. Davis, walking with a noticeable limp, was given a hand by the grand stand fans as he walked across the lot to the bench. Witte, a tall, slender slab artist, who deals out his puzzles from the port side, was sent to the rubber by Spiker Clarke, boss of the Smoketown bunch. About three thousand people were in the stands when the game began.

First Inning.
 Clarke hit an easy roller to Nelson and was an easy out at first. Hickman corralled Beaumont's bouncer and threw his man out. Nelson made a fair stop of Leach's grounder and felled the ball to Gansel. No runs.

Van Hise fanned the ball safe between third and short. Wagner was under Selbach's line fly and Hickey and Brantley retired. Eckman, an easy fly by Wagner, by Hickman retired the side. No runs.

Second Inning.
 Taylor flied Brantley with three of his curves. Wagner lined the sphere to left, the ball landed on the foul line and bounced into the bleachers and Wagner made the circuit of the bases. Hickey flied to Hickman. Ely fanned. No run.

Third Inning.
 Taylor threw Zimmerman's roller to first. Taylor flied to first. Brantley walked. Brantley batted a single to right. Leach's fly fell safe back of second base. Clarke scored. Brantley flied to Hickman. Ely fanned. No run.

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He Was Counting His Money.

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M. HOSHI TORU HERLIHY HELD FOR NEGLECT.

Former Japanese Minister Killed in Yokohama.

YOKOHAMA, June 21.—Hoshi Toru, who was Minister of Communications in the last Ito Cabinet, was stabbed to death at a meeting of the City Assembly and died shortly afterward.

The deceased was Japanese Minister at Washington and was formerly President of the House. Hoshi Toru's assassination is supposed to have been due to politics.

WOMAN BURNED TO DEATH.

Mrs. James Quackenbush, a widow, seventy years old, was found burned to death in her home on French street, New Brunswick, N. J., this afternoon. A lamp had exploded and set fire to her clothes. She was alone at the time, and a doctor who called to treat her found her body almost burned to a crisp. The house did not catch fire.

"We Get There"

every time in the matter of Boys' Clothing!

This time there's a specially attractive sale of Two and Three-Piece Suits at our 13th St. & Canal St. Stores—cheviots—serges—cassimeres that were \$6, \$7.50, \$8, \$9 & \$10.

Now \$3.50 & \$5. And also Russian House and "Rugby" Suits at \$3.00, worth \$7 & \$8.

Hackett, Carhart & Co.
 13 BROADWAY Stores: Cor. 13th St. Cor. Canal St. Near Chambers St.

TOLD IN TABLOIDS.

DEATH OF YOUNG HEROINE.—At Syracuse, N. Y., Ethel Schwartz, fourteen years old, was drowned in a creek near Bell Isle today while trying to rescue another little girl that had fallen in. The other girl was caught by the branch of a tree and was saved.

BIG RAILROAD DEAL.—It was reported in Wall Street today that a candidate headed by William and John D. Rockefeller, which sold a large amount of St. Paul stock, had agreed to take Union Pacific common stock. The deal, which is for a community of interests, is said to involve \$25,000,000.

POACHER SHOT.—Clair Fitching, a clam-digger, who resided in Parkersburg, was shot and instantly killed while working upon an oyster bed in Tucker's Bay today by Jacob Stiles, a special officer employed by the Oysterman's Association.

SOLDIER GETS \$1,050.—James M. Leonard, a member of the Sixty-second Regiment, received a verdict today against the Louisville and Nashville Railroad for damages received in the accident at Huntsville, Ala., when the regiment was returning home at the close of the Spanish war.

NEW RAILROADS FIGHT.—The application of the New York and Portchester Railroad Company to build a road from One Hundred and Thirty-second street to the State line, through Ite, Harrison, Mount Vernon and other towns, met with opposition to-day before the State Railway Commission. The opposition was principally from other railroad lines.

EXPRESS WRECKED.—The Montreal express ran into a washout two miles below Otter Lake, on the Adirondack division of the New York Central about daylight. The Adirondack express, which followed, had a narrow escape from running into the wreck. No one was seriously hurt.

FACTORY INSPECTORS ARRESTED.—Thomas D. Shortlock, of No. 149 North Ninth street, and George Seabrook, of No. 814 McDonough street, Brooklyn, factory inspectors, were arrested to-day on the charge of accepting bribes from owners of factories. Other arrests are expected.

BRIDE'S FLIGHT.—John Joyce, of No. 141 West Sixteenth street, a bridegroom of two months, was held in the police court to-day on his wife's charge of non-support. The wife said that she might also prefer a bigamy charge against him. Joyce formerly lived at Greenwich, Conn.